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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
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9 JOSE ALBERTO GARCIA,) CASE NO.: 1:21-cv-00331-NONE-SAB
10 Plaintiff,)
11 v.) ORDER RE STIPULATION TO ALLOW
12 COUNTY OF STANISLAUS, et al.) PLAINTIFF TO FILE A FIRST
13 Defendants.) AMENDED COMPLAINT
14) (ECF No. 13)
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16 Plaintiff Jose Alberto Garcia filed this civil rights action pursuant to 42 U.S.C. § 1983 on
17 March 4, 2021. (ECF No. 1.) On April 1, 2021, the parties filed a stipulation for an extension of
18 time for Defendants to file a responsive pleading. (ECF No. 11.) Defendants' responsive
19 pleading is due April 19, 2021. (Id.) On April 16, 2021, a stipulation was filed to allow Plaintiff
20 to file a first amended complaint. (ECF No. 13.)

21 Under Rule 15(a) of the Federal Rules of Civil Procedure, a party may amend their
22 pleading once as a matter of course at any time before a responsive pleading is served. Fed. R.
23 Civ. P. 15(a)(1). Otherwise, a party may amend only by leave of the court or by written consent
24 of the adverse party, and leave shall be freely given when justice so requires. Fed. R. Civ. P.
25 15(a)(2).

26 Here, no responsive pleading has been filed, so no order is necessary for Plaintiff to file
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1 an amended complaint. As Plaintiff has indicated that he intends to file an amended complaint,
2 Defendants shall be relieved from the August 19, 2021 deadline to file a pleading responsive to
3 the complaint.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Plaintiff SHALL FILE a first amended complaint on or before **May 26, 2021**;
6 2. Defendants SHALL FILE a responsive pleading within **fourteen (14) days** of the
7 filing of the amended complaint;
8 3. The scheduling conference set for June 10, 2021 is CONTINUED to **September
9 9, 2021, at 9:00 a.m.**; and
10 4. The parties SHALL FILE a joint scheduling report **seven (7) days** prior to the
scheduling conference.

11 IT IS SO ORDERED.
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13 Dated: April 20, 2021


14 UNITED STATES MAGISTRATE JUDGE